



GRIEVANCE PROCEDURES: ACADEMIC MATTERS

The following policy and the review procedures are based on Schedule 1A of the Higher Education Support Act 2003.

The person affected by a disputed matter be given the right to present his/her case including the opportunity to be heard, be provided with adequate notice of the allegations and the procedures to be used; and members of the decision making body be free of bias or other personal interest in the outcome.

Under these procedures the complainant and respondent will not be victimised or discriminated against as a result of a grievance being raised.

This policy is communicated to academic and support staff through the Elly Lukas Beauty Therapy College academic staff handbook. The Principal is responsible for the training of academic staff in the application of this policy. The Education Manager is responsible for the training of support staff in its application.

In these guidelines, the following lodgement guidelines apply:-

A formal notice of grievance shall be posted to the Principal, Elly Lukas Beauty Therapy College or lodged in person at, Elly Lukas Beauty Therapy College, Elly Lukas House, 345 Flinders Lane Melbourne Victoria 3000.

Students or persons seeking to enrol in course of study are entitled to access the grievance procedure, regardless of the location of the campus at which the grievance has arisen, the student's place of residence or the mode in which they study.

A formal review of an investigation shall be posted to the Principal, Elly Lukas Beauty Therapy College or lodged in person at, Elly Lukas Beauty Therapy College, Elly Lukas House 345 Flinders Lane Melbourne Victoria 3000.

A request for an external review of a decision (through external mediation) shall be posted to The Administrator, Resolution Institute Level 1 and 2 / 13-15 Bridge Street Sydney NSW 2000, with a copy of such request also posted to the Principal, Elly Lukas Beauty Therapy College, Elly Lukas House, 345 Flinders Lane Melbourne Victoria 3000.

The grievance policy and review procedures will be made available to students on the College website and at the College.

Access to the grievance procedure is at no cost to the complainant. Apart from travel expenses there is no charge to the complainant accessing the review procedures established by Elly Lukas Beauty Therapy

The procedures of the policy do not replace or modify procedures or any other responsibilities that may arise under other higher education provider policies or under statute or any other law.

This policy applies to complaints by current students with regard to all Academic matters relating to their participation in the courses conducted by the Elly Lukas Beauty Therapy College.

Elly Lukas College will give reasons and a full explanation in writing for decisions and actions taken, advice about how to have the decision reviewed and provision for each party to be accompanied or assisted by another person.

Procedure 1 Informal resolution

1.1 In the first instance, the student (which includes a prospective student) should discuss the grievance informally with the relevant academic staff member who should try to resolve the dispute. Where a student is unable to make contact with or is reluctant to approach the relevant academic staff member, the student may then raise the matter with the Head of Department.

1.2 Students have up to fourteen (14) working days to initiate the informal review process, from the date of the occurrence which gives rise to the grievance or the date the circumstances giving rise to the grievance are brought to the student's notice/the student becomes aware of the circumstances giving rise to the grievance.

1.3 During the informal process, the academic staff member/ Head of Department (as the case may be) may take such action as deemed appropriate to resolve the matter. This must include discussing the matter with the student.

1.4 The informal resolution process must be completed within ten (10) working days from the date on which the student contacted the relevant academic staff member. The Head of Department may grant an extension not exceeding five (5) working days if it seems likely that the matter will be resolved in that time.

1.5 The student will be advised in writing within two (5) working days of the conclusion of the informal resolution process, reasons for the decision and advice about having the decision reviewed (by Express Post notice to the student's semester address.)

2 Formal resolution

2.1 If a student is not satisfied with the outcome of the informal resolution process, he/she may submit a formal grievance in writing to the Principal. This request must be submitted within five (5) working days of the date of notification of the outcome of the informal resolution process.

2.2 The student will be informed of the outcome with reasons and advice about having the decision reviewed in writing within ten (10) working days of submission of the formal grievance as identified by the date of receipt by the Principal of the student's letter.

2.3 If the Principal and all suitable nominees have already been involved in the process, or have some other conflict of interest, the Principal will appoint another person to investigate the formal grievance.

3. Appeals

3.1 A student has the right of appeal to the Student Grievance Appeals Committee from a decision of the Principal of School on one or more of the following grounds:

- (i) that the case was not heard on its merits;
- (ii) that the student is able to provide new evidence which could not reasonably have been provided at the time of the Principal's investigation.
- (iii) that a procedural irregularity has occurred in the hearing of the grievance during the investigation by the Principal.

3.2 A student who wishes to appeal against a decision of the Principal shall lodge the appeal in writing with the office of the Education Manager; within five (5) working days of receipt of written notification of the decision of the Principal. Upon lodgement of the written appeal, the Education Manager determine whether the appeal complies with the criteria for appeal.

3.3 Where, in the opinion of the Education Manger, the appeal does not comply with one or more of these criteria and therefore should not be heard by the Appeals Committee, the Education Manager will refer the appeal to the Principal for a final decision on whether the appeal is to be rejected or a Student Grievance Appeals Committee convened to hear the appeal.

3.4 Where an appeal has not been rejected, the Education Manager will forward the appeal to the appropriate Student Grievance Appeals Committee

3.5 Where an appeal has been forwarded to the Student Grievance Appeals Committee, a meeting of the Committee shall be convened within 15 working days of lodgement of the letter of appeal. All participants shall be given at least 5 days notification in writing of the time, date and place at which the appeal is to be heard. Notification will be forwarded to the student via express mail to his/her semester address.

3.6 The hearing shall be held in camera. The Committee shall regulate its own proceedings. The Committee may call before it any witnesses to provide additional evidence.

3.7 The student shall be given the opportunity to appear in person before the Committee and to call witnesses. An advocate, who is not a member of the Committee and is not a legal practitioner, may represent the student.

3.8 The student must be given the opportunity to hear and examine the evidence of all witnesses called before the Committee.

3.9 The Committee must hear the matter on its merits, taking account of all of the circumstances of the case.

3.10 After consideration of all of the available evidence, the Committee shall reach its decision by consensus.

3.11 The student will be notified of the decision and reasons for the decision and advice regarding review of the decision in writing by express post within five (5) working days of the Committee's decision being made.

3.12 After the appeal, if one or both parties are still unhappy with the Grievance Appeals Committee's decision, the unsatisfied party or both parties will be notified of their ability to use external mediator Services. There is no charge for the external grievance procedure. Elly Lukas Beauty Therapy College will share the cost of external mediator services if Elly Lukas Beauty Therapy College happens to be one of the parties in dispute (on an equal basis). The Resolution Institute provides a Mediator service, which is external to Elly Lukas Beauty Therapy College. The college accepts selection by students/nominees of only those Mediators included in the panel maintained by the The Resolution Institute.

The Resolution Institute
Level 1 / 13-15 Bridge Street
SYDNEY NSW 2000
Phone (02) 92513366 Facsimile (02) 9251-3733
Web : <https://www.resolution.institute> Email infoaus@resolution.institute

The parties must be available to attend Mediation within 30 days.

If the Mediator makes recommendations in relation to a grievance they have Mediated or any internal decisions that have been made in following the grievance procedure, the Principal of Elly Lukas Beauty Therapy College will ensure that the recommendations (or decisions made) are implemented within a period of 30 days. Each party to the review can be accompanied or assisted by another person, at that party's cost and each party will be provided with written notice of the decision on review including the reasons for the decision.

4 Record Keeping

4.1 All outcomes, decisions and dealings associated with the pursuit of a grievance under this Policy and Procedures, and any appeals arising there from are confidential and are to be managed in accordance with the Elly Lukas Beauty Therapy College's policy on confidentiality of student records.

4.2 Confidentiality will be strictly observed throughout the grievance process.

4.3 Records of all grievances, applications for review of decisions and outcomes of the grievance process will be strictly confidential and filed in a separate file (not kept on the student or staff file) and stored in a secure location for a period of 5 years. Parties to the complaint will be allowed supervised access to these records.

Nothing in this *Grievance Procedure* or the Student Enrolment Agreement limits the rights of students or persons seeking to enrol with Elly Lukas Beauty Therapy College to take action under Australia's Consumer Protection laws.

Approved by – Director /January 2020
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